

STATE WATER BOARD
BOARD MEETING MINUTES
March 16, 2005

Copies of the resolutions and water quality order can be obtained from Debbie Irvin at (916) 341-5600 or downloading from our web site at <http://www.waterboards.ca.gov/resdec/index.html#resdec>.

CALL TO ORDER

Arthur G. Baggett, Jr., called the meeting to order on March 16, 2005 at 1:10 pm in the Sierra Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chair; Peter S. Silva, Vice Chair; Richard Katz, Member; Gary M. Carlton, Member; and Nancy H. Sutley, Member

BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Celeste Cantú, Executive Director; Harry Schueller, Chief Deputy Director; Tom Howard, Deputy Director; Debbie Irvin, Clerk to the Board; Barbara Evoy, Chief, Division of Financial Assistance; Craig M. Wilson, Michael Levy, Office of Chief Counsel; Joanne Cox, Division of Water Quality; Tam Doduc, Executive; and Liz Kanter, Office of Public Affairs

OTHERS PRESENT

Marcus Cole, Tesoro; Steven Overman, Shell Oil Products US Martinez Refinery; Dr. Khalil Abu-Saba; Adri Ventura, Clean Water Action; Alexis Strauss, U.S. EPA; David Beckman, NRDC; Michael Levy, OCC; Jerry Bruns, Central Valley Water Board; Michele Pla, Executive Director, Bay Area Clean Water Agencies; Arleen Navarret, San Francisco Public Utilities Commission; Kenneth Landau, Asst. E.O Central Valley Water Board; Jim Kelly, Central Contra Costa Sanitary District; Meg Rosegay, Western States Petroleum Association; Roberta Larson, CASA; Thomas Mumley, San Francisco Bay Water Board; Melissa Thorne, BACWA; Sejal Choksi, San Francisco Baykeeper; Craig Johns, PSSEP; and Kevin Buchan, WSPA

PUBLIC FORUM

Sejal Choksi, representing Baykeeper on behalf of Bill Jennings, thanked Members Sutley and Carlton for their service and commitment to the Board.

MINUTES

The February 24, 2005, Board meeting minutes were unanimously adopted.

CONSENT AGENDA (Items 1-7)

FINANCIAL ASSISTANCE

1. Consideration of a resolution authorizing the Executive Director to apply for, accept, and/or amend a federal Clean Water Act section 319(h) grant, and authorizing execution and amendment of contracts for support of the Nonpoint Source Program

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0020**

2. Consideration of a resolution approving the State fiscal year 2004/2005 Intended Use Plan and acceptance of the 2005 federal capitalization grant

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0021**

3. Consideration of a resolution authorizing a water recycling facilities planning grant for Seeley County Water District; Water Recycling Project No. WRCP-3702-010

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0022**

4. Consideration of a resolution authorizing a \$5,000,000 agricultural drainage loan to the Del Puerto Water District

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0023**

5. Consideration of a resolution authorizing issuance of grants from Propositions 40 and 50 to implement the Agricultural Water Quality Grant Program

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0024**

WATER QUALITY

6. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the North Coast Region to add language summarizing existing Anti-degradation policies

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2005-0025**

7. Consideration of an order in the matter of the petition of the City of Manteca for review of Waste Discharge Requirements Order No. R5-2004-0028 [NPDES No. CA0081558] and Cease and Desist Order No. R5-2004-0029 for the Manteca Water Quality Control Facility, Issued by the Central Valley Water Board, SWRCB/OCC File A-1634

Motion: The Board unanimously adopted the proposed water quality order. **Water Quality Order 2005-0005**

REGULAR AGENDA (Items 8-9)

WATER QUALITY

8. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region to incorporate a Total Maximum Daily Load (TMDL) for mercury in San Francisco Bay

Joanne Cox, Division of Water Quality, presented the item.

Member Sutley made several comments on the contents of the TMDL, and outlined alternative language for the State Water Board resolution with supporting comments by Member Katz.

Thomas Mumley, Kenneth Landau, and Alexis Strauss were asked to comment on Member Sutley's recommendations. Discussion was then opened to public comment.

The State Board directed staff to prepare an alternative resolution incorporating specific Board instructions for integration of the San Francisco Bay and Central Valley Water Boards mercury TMDLs, including progress reports with time schedules of every three months.

The State Water Board adjourned at 2:30 p.m. and went into Closed Session.

The State Board reconvened at 3:00 p.m. continuing discussion on Item 8.

Staff presented an alternative Resolution and discussed public comments. Tom Howard suggested removal of Finding #6 and moving Resolved 7 to Resolved 2.

Motion by Member Sutley; second by Member Katz

Member Carlton expressed his disagreement. A motion was then polled, as follows:

- **Aye:** Chairman Baggett, Member Sutley, and Member Katz
- **No:** Vice Chair Silva and Member Carlton

Motion: By 3-2 vote, **Resolution 2005-0026** was adopted.

ITEM 9 WAS PULLED FROM THE AGENDA

~~9. Consideration of a resolution adopting a statewide TMDL Guidance and Policy~~

This item is tentatively being rescheduled in June 2005.

Members Carlton and Sutley were presented resolutions for their years of service on the State Water Board.

ADJOURNMENT

The Chairman adjourned the meeting at 3:50 p.m.